

ALTER & BRESCIA, LLP
Proposed Attorneys for the Debtor
550 Mamaroneck Avenue, Suite 401
Harrison, New York 10528
(914) 670-0030
Bruce R. Alter, Esq.
Dana P. Brescia, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

Barton Properties New York LLC

Case No. 16-23715(rdd)

Debtor.

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**SUPPLEMENTAL DECLARATION OF BENJAMIN BARTON
PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2**

STATE OF NEWYORK)
)ss.:
COUNTY OF WESTCHESTER)

Benjamin Barton, being duly sworn, deposes and says:

1. I am the managing member and sole shareholder of Barton Properties New York LLC (the "Debtor"). As such, I am familiar with the Debtor's operations, business and financial affairs.

2. I submit this Supplemental Declaration to amend and correct paragraph 6 of my Declaration pursuant to Rule 1007(d) of the Federal Rules of Bankruptcy Procedure and Rule 1007-2 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York, dated and filed with this Court on December 14, 2016.

3. Due to the exigent circumstances of the filing, at paragraph 6 of my previous Declaration I erroneously stated that Debtor has no tenant at the 7 Willow Street Property. I further stated that no written leases for the parking lot (located at 10 Willow Street) exist. Debtor is party to a Lease dated December 1, 2015 and Addendum to Lease dated August 1, 2016 (collectively the "Lease") for the properties as Landlord with Luis Lopez, as Tenant. Per the Lease, the term commences and the Tenant's rent payment obligation begins on the day that the Tenant has received the authorizations necessary from Port Chester, New York in order to

permit the Tenant to operate a restaurant at 7 Willow Street. Should Tenant not receive the requisite authorizations from Port Chester, New York by June 30, 2017, either party may cancel and terminate this Lease on ten (10) days prior written notice.

4. Simultaneously herewith, Debtor is filing its Amended Schedule G: Executory Contracts and Unexpired Leases to include the Lease identified above.

Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Harrison, New York
December 29, 2016

/s/ Benjamin Barton
Benjamin Barton, Managing Member

Sworn to before me this
29th day of December, 2016
/s/ Bruce R. Alter
Bruce R. Alter
Notary Public, State of New York
No. 02AL000053515
Qualified in Westchester County
Commission Expires 8/31/2017

Fill in this information to identify the case:

Debtor name Barton Properties New York LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) 16-23715

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☒ **Amended Schedule G: Executory Contracts & Unexpired Lease**
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 29, 2016

X /s/ Benjamin Barton

Signature of individual signing on behalf of debtor

Benjamin Barton

Printed name

Managing Member

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name Barton Properties New York LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) 16-23715

☐ Check if this is an amended filing

Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

☐ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

☒ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal* (Official Form 206A/B). *Property*

2. List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.1. State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract

Commercial Rental
Lease for 7 and 10
Willow Street, Port
Chester, New York.
Five Years with a Five
Year Option

Luis E. Lopez, Tenant
560 Westchester Avenue
Rye Brook, NY 10573

**United States Bankruptcy Court
Southern District of New York**

In re **Barton Properties New York LLC**

Debtor(s)

Case No. **16-23715**

Chapter **11**

VERIFICATION OF CREDITOR MATRIX - AMENDED

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **December 29, 2016**

/s/ Benjamin Barton

Benjamin Barton/Managing Member
Signer/Title

BENJAMIN BARTON
4 TAFT STREET, UNIT C1
NORWALK, CT 06854

CONSOLIDATED EDISON
ATTN: BANKRUPTCY GROUP
4 IRVING PLACE - ROOM 1875-S
NEW YORK, NY 10003

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA, PA 19101-7346

LUIS E. LOPEZ
560 WESTCHESTER AVENUE
RYE BROOK, NY 10573

Added 12.29.16

MARTIN G. DEVANEY
126 WAKEMAN LANE
SOUTHPORT, CT 06890

NYC DEPT. OF FINANCE
345 ADAMS STREET, 3RD FL.
ATTN: LEGAL AFFAIRS
ALBANY, NY 12201

NYS DEPT TAX & FINANCE
BANKRUPTCY UNIT
P.O. BOX 5300
ALBANY, NY 12205-5300

NYS UNEMPLOYMENT INSURANCE FUN
P.O. BOX 551
ALBANY, NY 12201

PARKING VIOLATIONS BUREAU
210 JORALEMON AVENUE
BROOKLYN, NY 11201

ROY C. JUSTICE, ESQ.
600 THIRD AVENUE, 2ND FLOOR
NEW YORK, NY 10016

SECURITY & EXCHANGE COMM
NY REGIONAL OFFICE
3 WORLD FINANCIAL CTR, STE 400
NEW YORK, NY 10281-1022

TITAN CAPITAL ID, LLC
19 LUDLOW ROAD, SUITE 301
WESTPORT, CT 06880

TITAN CAPITAL ID, LLC
845 THIRD AVENUE, 20TH FLOOR
NEW YORK, NY 10022

TOWN OF RYE, RECEIVER OF TAXES
222 GRACE CHURCH STREET
PORT CHESTER, NY 10573

UNITED STATES ATTORNEY - SDNY
ATTN: TAX & BANKRUPTCY UNIT
86 CHAMBERS ST., 3RD FLOOR
NEW YORK, NY 10007

UNITED STATES TRUSTEE'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
201 VARICK STREET, ROOM 1006
NEW YORK, NY 10004

UNITED WATER COMPANY
2525 PALMER AVENUE
NEW ROCHELLE, NY 10801